

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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TWENTY-SIXTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 5, 2010

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total –4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Laura Hampikian, Page.

### Approval of Journal

February 5, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

February 5, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 37](#), [HCR 38](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), [H 478](#), [H 479](#), and House amendments to [H 386](#), [H 391](#), and [H 444](#).

CLARK, Chairman

[HCR 37](#) and [HCR 38](#) were filed for second reading.

[H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), and [H 478](#) were referred to the Business Committee.

[H 479](#) was referred to the Revenue and Taxation Committee.

February 5, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 386](#), as amended, [H 391](#), as amended, and [H 444](#), as amended.

CLARK, Chairman

[H 386](#), as amended, [H 391](#), as amended, and [H 444](#), as amended, were filed for first reading of engrossed bills.

February 4, 2010

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [HJM 10](#) and recommend that it do pass.

WOOD, Chairman

[HJM 10](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 480 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR REQUESTING A REFILL OF AN EXISTING PRESCRIPTION DRUG ORDER BY FACSIMILE TRANSMITTAL AND TO MAKE TECHNICAL CORRECTIONS.

#### HOUSE BILL NO. 481 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1734, IDAHO CODE, TO EXTEND THE LENGTH OF TIME IN WHICH VETERINARIANS ARE REQUIRED TO PROVIDE WRITTEN CONFIRMATION OF ORAL DRUG ORDERS AND TO MAKE A TECHNICAL CORRECTION.

#### HOUSE BILL NO. 482 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1732, IDAHO CODE, TO ALLOW CERTAIN PERSONS TO DELIVER A LAWFULLY OBTAINED LEGEND DRUG TO AN AUTHORIZED PERSON FOR PURPOSES OF DISPOSAL, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY.

#### HOUSE BILL NO. 483 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1718, IDAHO CODE, TO REQUIRE CERTAIN APPLICANTS SUBMIT TO AND PAY THE COST OF A FINGERPRINT-BASED CRIMINAL HISTORY CHECK.

#### HOUSE BILL NO. 484 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1403, IDAHO CODE, TO REMOVE ARCHAIC LANGUAGE AND TO REVISE PROVISIONS RELATING TO BOARD MEMBER TERMS OF OFFICE.

#### HOUSE BILL NO. 485 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE UNCLAIMED PROPERTY LAW; AMENDING SECTION 14-113, IDAHO CODE, TO PROVIDE FOR TRANSFER OF MONEYS AND EFFECTS OF AN ESTATE TO THE STATE TREASURER;

AMENDING SECTION 14-501, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-518, IDAHO CODE, TO PROVIDE FOR NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY TO BE ON A WEBSITE MAINTAINED BY THE STATE TREASURER; AMENDING SECTION 14-523, IDAHO CODE, TO PROVIDE FOR DISPOSITION OF MONEY RECEIVED TO THE STATE TREASURER; AMENDING SECTION 14-532, IDAHO CODE, TO PROVIDE TO THE STATE TREASURER POWERS, DUTIES AND ADMINISTRATIVE RULE AUTHORITY RELATED TO UNCLAIMED PROPERTY LAW FORMERLY GRANTED TO THE STATE TAX COMMISSION; AMENDING SECTION 14-534, IDAHO CODE, TO PROVIDE FOR THE STATE TREASURER TO DELIVER CERTAIN PROPERTY TO THE STATE HISTORICAL SOCIETY; AND PROVIDING AN EFFECTIVE DATE, PROVIDING FOR TRANSFER OF EMPLOYEES, CERTAIN TANGIBLE PERSONAL PROPERTIES AND ENCUMBERED AND APPROPRIATED MONEYS OF THE STATE TAX COMMISSION FOR ADMINISTERING THE UNCLAIMED PROPERTY LAW TO THE STATE TREASURER AND TO PROVIDE FOR THE EMPLOYMENT STATUS OF THOSE EMPLOYEES.

**HOUSE BILL NO. 486  
BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-419E, IDAHO CODE, TO ESTABLISH AN IDAHO MOUNTAIN BIKING SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

[H 480](#), [H 481](#), [H 482](#), [H 483](#), [H 484](#), [H 485](#), and [H 486](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**First Reading of Engrossed Bills**

[H 386](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

[H 391](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[H 444](#), as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

[HP 3](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 421](#) and [H 422](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 430](#) and [H 432](#), by Business Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [HCR 36](#) retain its place on the Third Reading Calendar until Monday, February 8, 2010. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 414](#) retain its place on the Third Reading Calendar until Monday, February 8, 2010. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 451](#) retain its place on the Third Reading Calendar until Monday, February 8, 2010. There being no objection, it was so ordered.

[H 443](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 443](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 443](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 412](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Simpson to open debate.

The question being, "Shall [H 412](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 412](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 413](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mathews to open debate.

The question being, "Shall [H 413](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 413](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 438](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 438](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Barrett, Kren, Palmer, Schaefer, Shepherd(08). Total – 5.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 438](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 445](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jarvis to open debate.

The question being, "Shall [H 445](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin,

Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 445](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 449](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 449](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 449](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 450](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall [H 450](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Labrador, Lake, Loertscher, Raybould, Shirley. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 450](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 452](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall [H 452](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Labrador, Loertscher, Raybould, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 452](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 8, 2010. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11:30 a.m., Monday, February 8, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:37 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk